

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Joint Status Report

RONALD KRICK, et al.,

Plaintiffs,

v.

Civil Action No.
1:23-cv-8093-JAM

RAYTHEON COMPANY, et al.;

Defendants.

(Donnelly, J)
(Marutollo, M.J)

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The Parties, by and through their undersigned counsel, respectfully present this Joint Status Report pursuant to Magistrate Judge Marutollo's Order of January 30, 2024.

The Parties have unsuccessfully attempted to limit the scope of motions practice. These efforts included an attempt to voluntarily obtain the Settlement Releases from Plaintiffs, or authorizations from the Plaintiffs to obtain those Releases from a defendant in the prior multi-district litigation ("MDL"), *In re: Air Crash off Long Island, New York, on July 17, 1996*, Case No. 1:96-cv-07986-RWS. *See* Letter to MJ Marutollo, ECF No. 131 and Pls. Resp., ECF No. 132.

The Plaintiffs do not have copies of the Settlement Releases, and are unable to provide written authorizations to disclose them, due to confidentiality concerns.

The Parties agree that the issuance of a subpoena to The Boeing Company is required to obtain the Settlement Releases. Defendants believe

that the Settlement Releases may contain contractual limitations that prohibit this action, and thereby provide a basis for a dispositive motion. The Plaintiffs dispute Defendants' argument, but do not oppose issuance of a narrowly-tailored pre-discovery subpoena to MDL defendant, The Boeing Company, which is believed to be in possession of the Settlement Agreement(s) and Release(s).

Plaintiffs consent to the issuance of a subpoena to MDL Defendant, The Boeing Company, and thereafter will agree to waive any confidentiality provisions inuring just to the benefit of Plaintiffs.

Accordingly, Defendants maintain their request to the Court set forth in the Letter Motion (ECF No. 131) to permit Defendants to issue a subpoena to The Boeing Company for the pertinent Settlement Releases entered into on behalf of the estates of the Plaintiffs' decedents in the *In re: Air Crash off Long Island, New York, on July 17, 1996* multi-district litigation. Plaintiffs do not oppose Defendants' application for permission to issue the limited pre-discovery subpoena to The Boeing Company.

DATED: February 2, 2024

Respectfully submitted,

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To: All attorneys of record via CM/ECF